



**Procedure: 4475.07**

**Reference: 4475**

**Title Special**

**Education:**

**Confidentiality of  
Information**

**Effective: 04/12/05**

**Replaces: 4475.04**

**Dated: 02/06/03**

**Purpose:**

The Arizona Department of Juvenile Corrections (ADJC) shall protect the confidentiality of personally identifiable information at collection, storage, disclosure to third parties; retention and destruction stages of all juvenile education records [34 C.F.R. § 300.572(a), 300.560, 300.576, 300.562]

**Rules:**

**1. Access Rights [34 C.F.R. § 300.562]**

Students may inspect and review any educational records relating to themselves that are collected, maintained or used by the agency. Without unnecessary delay, the **ADJC**

**EDUCATION DIVISION:**

- a. May presume the parent has authority to inspect and review records relating to his or her student unless the agency has been advised that the parent does not have the authority under applicable State law (e.g., guardianship, separation, divorce) [34 C.F.R. § 300.562(c), A.R.S. § 15-761(21), A.A.C. R7-2-405 (8), R7-2-401 (22)];
- b. Shall comply with the student's/parent's request without unnecessary delay, before any meeting regarding IEP or any hearing, and in no case more than 45 days after request [34 C.F.R. § 300.562];
- c. Shall provide responses to reasonable requests for explanations and interpretation of educational records to the student/parent making the request;
- d. Shall give the requesting student copies of records if failure to provide copies would prevent students from inspecting and reviewing records;
- e. Shall give the requesting student's/parent's representative an opportunity to inspect and review the educational records.

**2. Notification Of Rights Eligible Students [34 C.F.R. § 300.561]**

**ADJC EDUCATION DIVISION** shall:

- a. Distribute the notice in the native languages of the various population groups in the ADJC [§ 300.561(a)(4)];
- b. Inform by publishing a notice or announcement in newspapers or through other media, or both, with circulation adequate to notify local parents before any major identification, location, or evaluation activity [§§ 300.561(b)].

**3. ADJC EDUCATION DIVISION** shall include the following components in the Annual Notice shall contain the following components:

- a. A description of all the rights of the student under the Family Educational Rights and Privacy Act of 1974 (FERPA) and the implementing regulations;
- b. A statement that eligible students have the right to inspect and review the student's education record [§§ 99.7, 300.564];
- c. The procedure for exercising the right to inspect and review the student's education record [§ 99.7] within 45 days [§§ 99.10, 300.521, 300.528];
- d. A statement that eligible students have the right to seek amendment of the their education record that is believed to be inaccurate, misleading, or in violation of the student's privacy rights [§§ 99.7, 300.567];
- e. The procedure for requesting amendment of the record [§ 99.7];

- f. A statement that eligible students have the right to give consent before the release of personally identifiable information (except to the extent that the Act and § 99.31 authorize disclosure without consent) [§ 99.7];
  - g. A specification of criteria for determining who constitutes a school official if the agency discloses information in the optional situations without prior consent, [§ 99.31(a)];
  - h. A statement of what constitutes a legitimate educational interest [§ 99.7(a)]; notice that rights regarding records transfer at age 18 [§§ 99.5(a), 300.574(b)];
  - i. A description of the student on whom personally identifiable information is maintained, the types of information sought, the methods the public agency intends to use in gathering the information (including the sources from who information is gathered), and the uses to be made of the information;
  - j. A summary of the procedures that the agency shall follow in the storage, disclosure to third parties, retention, and destruction of personally identifiable information; and
  - k. The process by which a student can exercise the right to file a complaint concerning alleged failures by ADJC to comply with FERPA.
- 4. **Record of Access** [34 C.F.R. §300.563] **AND RECORDS ON MORE THAN ONE STUDENT** [34 C.F.R. §300.564]
  - a. The **ADJC EDUCATION DIVISION** shall keep records of parties obtaining access to records collected, maintained and used including name, access date, and purpose for access;
  - b. **EDUCATION PERSONNEL** shall allow students to inspect and review only the information relating to themselves, or inform them of that specific information if the record has information on more than one student.
- 5. **List of Type and Location of Information** [34 C.F.R. § 300.565]

**ADJC EDUCATION DIVISION** shall maintain a list of types and locations of educational records that are collected, maintained, or used and provide a copy of the list upon request [§ 300.565].
- 6. **Fees** [34 C.F.R. § 300.566]

**ADJC EDUCATION DIVISION:**

  - a. Shall provide copies of records to the student if failure to do so prevents the student from inspecting or reviewing the records [§ 300.562(b)(2)];
  - b. May charge for copies if the fee does not prevent inspection or review of the record [§ 300.566(a)];
  - c. Shall not charge a fee to search or retrieve information [§ 300.566(b)].
- 7. **Amendment of Records At Student's Request** [34 C.F.R. § 300.567]
  - a. A **STUDENT/PARENT** may request amendment of records if he/she believes that information in an education record is inaccurate, misleading, or otherwise in violation of student privacy or other rights [§§ 99.7, 300.567(a)];
  - b. **ADJC EDUCATION DIVISION** shall decide whether to amend information within a reasonable period of time after the receipt of the request [§§ 99.7, 300.567(a)].
  - c. If the **ADJC EDUCATION DIVISION** refuses to amend, **ADJC EDUCATION PERSONNEL** shall inform the student of the refusal and of the right to a hearing [§ 300.567].
- 8. **Opportunity for A Hearing** [34 C.F.R. § 300.568]

If the student requests a hearing, the **ADJC EDUCATION DIVISION SHALL** provide an opportunity for a hearing to challenge information in records. **ADJC EDUCATION DIVISION** shall conduct a hearing held for this purpose according to the procedures under § 99.22.

9. **Result Of Hearing** [34 C.F.R. § 300.569]  
After a hearing, **ADJC EDUCATION DIVISION** shall inform students in writing of its decision to amend an education record believed to be inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student [§ 300.569(a)].
10. If the ADJC Education Division makes a decision not to amend an education record, **ADJC EDUCATION PERSONNEL** shall inform the students of their right to place within the record a statement commenting on the information or setting forth any reasons for disagreeing with the decisions of the agency [§ 300.569(b)]: **ADJC EDUCATION DIVISION** shall:
- Maintain the statement with the record or contested portion; and
  - Disclose the explanation if the records are disclosed [§ 300.569].
11. **Safeguards** [34 C.F.R. § 300.572]  
**ADJC EDUCATION DIVISION** shall protect the confidentiality of personally identifiable information at collection, storage, disclosure to third parties; retention and destruction stages [§ 300.572(a)]. **ADJC EDUCATION DIVISION** shall:
- Designate an official to ensure the confidentiality of any personally identifiable information [§ 300.572(b)];
  - Ensure that all personnel collecting or using personally identifiable information receive training or instruction regarding policies and procedures under §§ 300.127 and Part 99;
  - Maintain a current list for public inspection of the names and positions of employees within the agency who may have access to personally identifiable information [§ 300.572(d)].
12. **Destruction of Information** [34 C.F.R. § 300.573]  
**ADJC EDUCATION DIVISION** shall:
- Inform the student when personally identifiable information collected, maintained or used is no longer needed to provide educational services to the student;
  - Destroy the information at the request of the student. However, permanent record of name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.
13. **Student's Rights** [34 C.F.R. § 300.574]  
**ADJC EDUCATION DIVISION**:
- May afford the student rights of privacy similar, taking into consideration the age of the student and type or severity of disability;
  - Shall transfer the rights regarding educational records to the student [§ 99.5(a)] if the rights accorded to students are transferred to a student with a disability who reaches the age of majority.
14. In accordance with the Family Educational Rights and Privacy Act, the rights of parents regarding education records are transferred to the student at age eighteen. The **ADJC** shall provide any notice required under section 615 of Individuals with Disabilities Education Act (IDEA) to the student and the parents.
15. **Disciplinary information** [34 C.F.R. § 300.576]  
**ADJC EDUCATION DIVISION** shall include in the records of a student with a disability a statement of any current or previous disciplinary action that has been taken against the student. **ADJC EDUCATION DIVISION**:
- Shall transmit the disciplinary information on students with disabilities to the same extent that disciplinary information is transmitted on non-disabled students;

- b. May include in the disciplinary statement a description of any behavior engaged in by the student, description of the disciplinary action taken, and any other information that is relevant to the safety of the student and other individuals;
  - c. Shall include in the transmission of any of the student’s records the transmission shall include the current IEP, current evaluation and any statement of current or previous disciplinary action that has been taken against the student if a student transfers from one school to another.
16. If a student transfers from one school to another, **ADJC EDUCATION DIVISION** shall send the transmission of any of the student’s records to the receiving school within the timeframe specified in State statutes. This action shall not require the consent of the parent(s) [§§ 15-828(F) and (G)].

Effective Date:	Approved by Process Owner:	Review Date:	Reviewed By:.